

TOWN COUNCIL SPECIAL MEETING
Town Hall Council Chambers
Tuesday ~ May 24, 2011
OFFICIAL MINUTES

Pursuant to the foregoing notice, the special meeting of the Haverhill Town Council was held on Tuesday, May 24, 2011 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Mayor; James E. Woods, Vice Mayor; Jerry Beavers, Council Member; Lawrence Gordon, Council Member and Mark C. Uptegraph, Council Member. Also present were Town Attorney John Foster; Director of Public Services, Joseph Roche, Town Administrator, Janice C. Rutan; and Deputy Town Clerk, Jessica Shepherd.

CALL TO ORDER

Mayor Foy called the meeting to order at 11:30 a.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Foy offered the Invocation and led the Pledge of Allegiance.

ROLL CALL

The Town Administrator recorded all members were present.

APPROVAL OF AGENDA

A motion was made by Vice Mayor Woods and seconded by Council Member Uptegraph to approve the agenda. The motion passed unanimously (5-0).

COMMENTS FROM THE PUBLIC

None.

FIRST READINGS AND REGULAR AGENDA

a. Consider non-ad valorem assessment rate for solid waste

The memo of May 11, 2011 from Attorney Foster to Mayor Foy was referred to and reviewed by Council. Attorney Foster stated that a notice for a non-ad valorem assessment would need to go out to residents by the first week of June. He stated that Council would need to set the rate for each classification of property. He stated that there were four classifications that the Town would be bound by. Those classifications were single family residential, mobile homes, multi-family less than five and multi-family more than four units.

Town Administrator Rutan stated that she would need to get clarification from Public Services Director Roche whether or not there was a dumpster at the mobile home park and what other properties in Town also had dumpsters.

Attorney Foster used the Village of Palm Springs as an example and stated that they charge single family homes \$144, multi-family homes and mobile homes \$78. He stated that the question for the Town of Haverhill was which of the four classifications have curb side service and which have dumpsters. He stated that the multi-family with five or more units did not have curbside service. Mobile home parks also have dumpsters. He stated that the Town would need to establish a rate or per unit cost for single family and multi-family class of less than five units.

Vice-Mayor Woods stated that Solid Waste Systems was charging the Town a monthly rate per single family home for solid waste and recycling services.

Town Administrator Rutan stated that the cost for garbage pick up of \$13.28 per household was in the memo she provided to Council.

Vice-Mayor Woods reminded all that that the Town needed to consider saving funds for its infrastructure and thought an annual set aside of \$80,000 was a figure Council had used in the past.

Town Administrator Rutan stated that the Town pays approximately five thousand dollars for onsite dumpsters and had budgeted for all other garbage pick up services. She stated that the Town pays approximately \$92,000 per year to Southern Waste Systems.

Mayor Foy addressed Council and asked for their input on whether or not to keep the millage rate the same, reduce or increase it. He stated that he would rather reduce the millage if the non-ad valorem assessment in the amount of \$95,000 so that there would be less of an impact to the residents.

Discussion ensued.

Vice-Mayor Woods recommended that if possible they keep the millage rate the same and set aside half of the funds from the assessment into the Town's reserves. He stated that the intent of the program would be to recoup actual costs and charge no less than the \$13.28 per month per unit the Town was presently paying.

A motion was made by Vice-Mayor Woods and seconded by Council Member Uptegraph to impose a non-ad valorem assessment equal to actual costs incurred by the Town for solid waste and recycling services for single family residential units and multi-family residential units less than five

b. Discussion of lien reductions

I. Policy

Attorney Foster reviewed and explained his memo to council regarding the question of whether or not a Council Member may individually negotiate with a third party regarding the payment of a code enforcement lien.

Mayor Foy explained that it had been the past practice of the Town on properties with a lien to recoup actual expenses and time spent and to be made whole.

Vice-Mayor Woods concurred adding that in the past, the Town granted only a Partial Release of Lien on a property. He asked Attorney Foster to clarify what a Partial Release of Lien was.

Attorney Foster explained the Partial Release of Lien and the benefit of such to the Town. He reminded all that if a property is homesteaded the Town could not foreclose and that negotiations and settlement should be left up to the Town Administration who in lieu of a policy would present a package to Council and the decision to accept would fall to the Council.

Council Member Gordon stated that at a minimum the Town should never accept less than actual costs incurred and it would be his preference to enter into negotiations with reasonableness as the Town's guideline.

II. Tabled Item: 536 Tall Pines

A motion was made by Council Member Uptegraph and seconded by Vice-Mayor Woods to remove the item 536 Tall Pines Road from the table for discussion. The motion passed unanimously (5-0).

A motion was made by Vice-Mayor Woods and seconded by Council Member Beavers to accept the bank's request for a lien reduction on the property in the amount of \$17,640.

A motion was made by Council Member Gordon to amend the motion to make a counter offer to the bank in the amount of \$25,000. The amendment to the motion failed due to lack of a second.

The main motion was called to a vote and passed 4 to 1 with Council Member Gordon voting against the motion.

III. 5071 Palo Verde Drive

Town Administrator explained the history and fees incurred on the property.

Michael Bowden, Real Estate Broker, introduced himself and explained the history of the property's issues and the bank's position on the sale of the property.

Mayor Foy suggested a full report on the property to be brought back to the next Council Meeting on May 26, 2011.

Attorney Foster explained how the property had been a difficult property for the neighbors.

Town Administrator Rutan reported that the eviction of the homeowner by the bank was a benefit to the neighbors as there were a lot of problems that occurred while the woman was living there and that she was sneaking into the home even after the property had been condemned.

Mr. Bowden explained that there was a buyer waiting to purchase the property and an offer of \$3000 had been made to the Town.

Town Administrator Rutan reported that costs had exceeded that offer as staff had spent hours administratively as well as PBSO supplying additional watches.

A motion was made by Council Member Gordon and seconded by Vice-Mayor Woods to make a counter offer of \$5000 for a partial release of lien on the property. The motion passed unanimously (5-0).

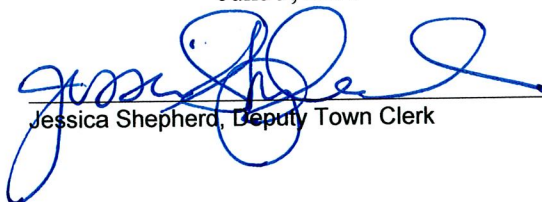
Mr. Bowden stated that he would forward that information to the bank and get back to the Town with their response.

ADJOURNMENT

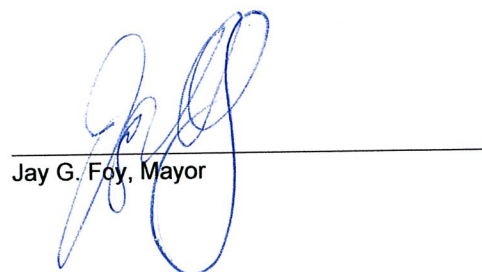
With no further business to come before the Town Council, the meeting adjourned at 12:40 p.m.

Approved:

June 9, 2011



Jessica Shepherd, Deputy Town Clerk



Jay G. Foy, Mayor